



TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

Docket Number
010064

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Hiroshi OKAMOTO et al.**

Group Art Unit: 1773

Serial No.: 09/771,700

Examiner: **Sheeba Ahmed**

Filed: **January 30, 2001**

P.T.O. Confirmation No.: 9493

For: **FUNCTIONAL COMPOSITION, FUNCTIONAL RESIN COMPOSITION, AND
FUNCTIONAL MOLDING**

TERMINAL DISCLAIMER

Commissioner for Patents
Washington, D. C. 20231

February 12, 2003

Sir:

The undersigned, **Kenneth H. Salen**, is attorney of record in the above-identified patent application. The terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,423,408 B2** is hereby disclaimed, except as provided below. It is agreed that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

This disclaimer is submitted on behalf of KABUSHIKI KAISHA ERUBU (Assignees) , all Japanese companies, on whose behalf the undersigned is empowered to act, which owns the entire and exclusive right, title and interest to the invention entitled **Functional Composition, Functional Resin Composition, and Functional Molding**, for which the above-identified patent application was filed on **January 30, 2001**, Serial No. **09/771,700**, and all Letters Patent of the United States to be obtained therefor on said application or any continuation, divisional, substitute, reissue or reexamination thereof for the full term or terms for which the same may be granted, by virtue of an assignment from the inventor(s) of the above-identified patent application. The assignment was originally recorded in the Patent and Trademark Office at Reel **(011493)**, Frame **(0051)**, on January 30, 2001. A corrected assignment was recorded in the Patent and Trademark Office at Reel **(011866)**, Frame **(0453)**, on June 6, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Date: February 12, 2003

Enclosures:

Terminal disclaimer fee under 37 C.F.R. 1.20(d)